



## LIFE LITIGATION REPORT—APRIL 2021

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### Alabama

#### Federal Court of Appeals

- **Parental notice** – *Reproductive Health Services v. Bailey* (11th Cir. No. 17-13561) (oral argument held Apr. 10, 2018; pending decision)

#### Federal District Court

- **Gestational limits** – *Robinson v. Marshall* (M.D. Ala. No. 19-365) (ban with narrow exceptions)

### Alaska

#### State Court

- **Physician only** – *Planned Parenthood of the Great Northwest and the Hawaiian Islands v. Alaska* (Super. Ct. for Alaska 3d Judicial Dist. at Anchorage No. 3AN-1-11710CI)

### Arizona

No cases reported

### Arkansas

#### U.S. Supreme Court

- **Gestational limits/physician only/prenatal non-discrimination** – *Little Rock Family Planning Services v. Rutledge* (8th Cir. No. 19-2690) (18-week limit/Down syndrome) (8th Cir. affirmed preliminarily enjoining enforcement Jan. 5, 2021; Cert. filed Apr. 14, 2021 on Down syndrome issue only)

### Federal Court of Appeals

- **Gestational limits/fetal remains/prenatal non-discrimination** – *Hopkins v. Jegley* (8th Cir. No. 17-2879) (dismemberment/sex) (Petition for en banc rehearing denied Dec. 15, 2020)

### Federal District Court

- **Abortion funding** – *Planned Parenthood v. Gillespie* (E.D. Ark. No. 15-566) (Medicaid) (proceedings stayed for COVID; joint update due May 23, 2021)

## California

### U.S. Supreme Court

- **Title X** – *Essential Access Health, Inc. v. Azar* (and *California v. Azar*; together with *Oregon v. Azar/AMA v. Azar* (No. 20-539) and *Washington v. Azar/National Family Planning & Reproductive Health Association* (Cert. filed on Oct. 5, 2020; Joint stipulation to dismiss the cases in Nos. 20-429 and 20-539 pursuant to Rule 46.1 filed Mar. 12, 2021)

### Federal Court of Appeals

- **Separate abortion payment** – *State of California v. U.S. Dep't of Health and Human Services* (9th Cir. No. 20-16802) (Section 1303 of ACA) (Stayed until June 1, 2021)
- **Conscience rights** – *California v. Azar* (9th Cir. No. 20-16045) (lead case) (HHS Conscience Protection Rule) (Stayed until June 1, 2021)
- **Conscience rights** – *City & County of San Francisco v. Azar* (N.D. Cal. No. 19-2405) (consolidated with No. 20-16045) (HHS Conscience Protection Rule) (Stayed until June 1, 2021)
- **Conscience rights** – *County of Santa Clara v. U.S. Dep't of Health & Human Services* (N.D. Cal. No. 20-16045) (consolidated with No. 19-2769) (HHS Conscience Protection Rule) (Stayed until June 1, 2021)
- **Free speech** – *Center for Medical Progress; David Daleiden v. Planned Parenthood Federation of America* (Consolidated) (SCOTUS No. 20-16068, 20-16070, 20-16773, 20-16820) (undercover videos)

### Federal District Court

- **Conscience rights** – *California v. Azar & Little Sisters of the Poor* (N.D. Cal. No. 17-5783) (Affordable Care Act Contraception Mandate) (Stay lifted in light of the Supreme Court's opinion in *Little Sisters of the Poor v. Pennsylvania*, 140 S. Ct. 2367 (2020); motion hearing heard Dec. 16, 2020)
- **Conscience rights** – *Skyline Wesleyan Church v. Cal. Dep't of Health* (S.D. Cal. No. 3:16-cv-00501-CAB-DHB) (Cal. abortion insurance mandate) (9th Cir. reversing in part, vacating in part, and remanding to District Court on Aug. 19, 2020)

**IVF – *In re Pacific Fertility Center Litigation*** (N.D. CA No. 3:18-cv-01586-JSC) (Jury Trial set for Aug. 2, 2021)

**Colorado**

No cases reported

**Connecticut**

No cases reported

**Delaware**

No cases reported

**District of Columbia**

No cases reported

**Florida**

State Court

- **Informed consent** – *Gainesville Woman Care v. Florida* (Fla. 2d. Cir. No. 2015-CA-001323) (reflection period)

**Georgia**

Federal Appeals Court

- **Gestational limits** – *SisterSong Women of Color Reproductive Justice Collective v. Kemp* (11<sup>th</sup> Cir. No. 20-13024) (heartbeat)

**Hawaii**

Federal District Court

- **Chemical abortion** – *Chelius v. Wright* (D. Haw. No. 17-493) (cross-motions for summary judgment scheduled Apr.–June, 2021)

**Idaho**

Federal District Court

- **Physician only laws** – *Planned Parenthood of the Great Northwest & the Hawaiian Islands v. Wasden* (D. Idaho 18-555)

## Illinois

### Federal District Court

- **Free speech** – *NIFLA v. Rauner* (N.D. Ill. No. 16-50310) (anti-pregnancy center law) (renewed motion for summary judgment pending – NIFLA reply filed Jan. 8, 2021)

### State Court

- **Conscience protections** – *Illinois Baptist State Association v. Illinois Dep't of Insurance* (Ill. Cir. Ct. of the 7th Judicial Cir. Sangamon Cty. No. 2020MR325) (abortion insurance mandate) (dismissed Apr. 5, 2021)

## Indiana

### U.S. Supreme Court

- **Parental involvement** – *Box v. Planned Parenthood of Indiana & Kentucky* (No. 20-1375) (application of *Hellerstedt* analysis to parental involvement law) (Cert. filed Mar. 29, 2021)

### Federal Court of Appeals

- **Abortion reporting** – *Planned Parenthood of Indiana & Kentucky. v. Commissioner, Indiana State Dep't of Health* (7th Cir. No. 20-2407) (argued Jan. 12, 2021; pending decision)

### Federal District Court

- **Challenge to abortion clinic license denial** – *\*Whole Woman's Health Alliance v. Hill* (S.D. Ind. No. 18-1904) (State's Motion for Summary Judgment granted in part and denied in part Oct. 9, 2020) (bench trial set for June 21, 2021)

## Iowa

### State Court

- **Informed consent** – *Planned Parenthood of the Heartland, Inc. v. Reynolds* (Ia. D. Ct. for Johnson County No. CVCV081717) (reflection period) (temporarily enjoined June 30, 2020)
- **Funding** – *Planned Parenthood of the Heartland, Inc. v. Reynolds* (Ia. D. Ct. for Polk County No. EQCE084508) (sex education)

## Kansas

No cases reported

## Kentucky

### U.S. Supreme Court

- **Gestational limits** – *Cameron v. EMW Women’s Surgical Center* (No. 20-601) (dismemberment) (Cert. granted Mar. 29, 2021)

### Federal Court of Appeals

- **Abortion clinic/provider regulations** – *EMW Women’s Surgical Center v. Glisson* (6th Cir. No. 18-6161) (transfer agreement) (oral argument held Aug. 8, 2019; Affirmed in part, reversed in part, vacated in part, and remanded Oct 16, 2020; Petition for en banc denied Dec. 31, 2020)

### Federal District Court

- **Gestational limits** – *\*EMW Women’s Surgical Center v. Meier* (W.D. Ky. No. 19-178) (heartbeat)
- **Prenatal non-discrimination** – *\*EMW Women’s Surgical Center v. Meier* (W.D. Ky. No. 19-178) (Remanded pending the Sixth Circuit's resolution of *Preterm-Cleveland v. Himes*, No. 18-3329 (6th Cir.))

## Louisiana

### Federal Court of Appeals

- **Abortion clinic/provider regulations** – *Planned Parenthood Gulf Coast v. Phillips* (5th Cir. No. 18-30699) (clinic licensing) (oral argument held Jan. 9, 2019)

### Federal District Court

- **Abortion funding** – *Planned Parenthood Gulf Coast v. Phillips* (M.D. La. No. 15-565) (Medicaid) (case stayed pending outcome of Fifth Circuit rehearing en banc of *Planned Parenthood of Greater Texas v. Smith* and the appeal in *Planned Parenthood Gulf Coast, Inc. v. Gee*, (5th Cir.))
- **“Minibus” challenge to abortion regulations** – *June Medical Services v. Phillips* (M.D. La. No. 14-525-JWD-RLB) (challenging six laws)

### State Court

- **Abortion clinic/provider regulations** – *June Medical Services v. Louisiana Dep’t of Health* (19th J. Dist. Ct. No. 657201) (clinic licensing)

## Maine

### Federal Court of Appeals

- **Title X** – *Family Planning Association of Maine v. U.S. Dep’t of Health & Human Services* (1st Cir. No. 20-1781) (Held in abeyance)

## Maryland

### U.S. Supreme Court

- **Title X** – *Mayor and City Council v. Azar* (No. 20-454) (joint stipulation to dismiss pursuant to Rule 46.1 on Mar. 12, 2021)

### Federal Court of Appeals

- **Abortion funding** – *Planned Parenthood of Maryland, Inc. v. Becerra* (4th Cir. No. 20-2006) (separate insurance billing) (Held in abeyance)
- **Chemical abortion** – *American College of Obstetricians and Gynecologists v. U.S. Food and Drug Admin.* (D. Md. No. 8:20-cv-01320-TDC), (4th Cir. No. 20-1824) (motion for stay filed) (joint status report due May 13, 2021)

## Massachusetts

No cases reported

## Michigan

No cases reported

## Minnesota

No cases reported

## Mississippi

### U.S. Supreme Court

- **Gestational limits** – *Dobbs v. Jackson Women's Health Org.* and *\*Jackson Women's Health Org. v. Dobbs* (consolidated) (No. 19-1392) (15-week limit) (reset for conference Apr. 16, 2021)

### Federal District Court

- **Omnibus challenge**– *\*Jackson Women's Health Org. v. Dobbs* (S.D. M.S. No. 18-171) (discovery ongoing, trial set for Dec. 6, 2021)  
**Chemical abortion** – *GenBioPro, Inc. v. Dobbs* (S.D of M.S.. No. 3:20-cv652-HTW-LRA) (generic Mifepristone manufacturer suing state) (motion hearing held Mar. 25, 2021)

## Missouri

### Federal Court of Appeals

- **Gestational limits** – *Reproductive Health Services of Planned Parenthood of the St. Louis Region, Inc. v. Parson* (8th Cir. No. 19-2882) (8-week, 14-week, 18-week, 20-week) (Oral argument held Sept. 24, 2020; pending decision)

### State Court

- **Abortion funding** – *Planned Parenthood of St. Louis Region v. Dep't of Social Services, Division of Medical Services* (Mo. No. SC98020) (Medicaid) (Vacated)

## Montana

No cases reported

## Nebraska

No cases reported

## Nevada

No cases reported

## New Hampshire

No cases reported

## New Jersey

No cases reported

## New Mexico

No cases reported

## New York

### Federal Court of Appeals

- **Conscience rights** – *New York v. U.S. Dep't of Health & Human Services* (2nd Cir. No. 19-4254) (consolidated with 20-31, 20-32, 20-41) (HHS Conscience Protection Rule) (held in abeyance); *National Family Planning & Reproductive Health Association v. Azar* (consolidated) (HHS Conscience Protection Rule) (held in abeyance); *Planned Parenthood Federation of America v. Azar* (consolidated) (HHS Conscience Protection Rule) (held in abeyance)
- **First Amendment** – *People of the State of New York v. Griep* (2nd Cir. No. 18-2454) (Pet. for en banc filed Apr. 8, 2021)

### Federal District Court

- **Reproductive Health Act** – *CompassCare, First Bible Baptist Church and NIFLA v. Cuomo* (N.D. N.Y. No. 1:19-cv-1409) (conscience)

- **Reproductive Health Act** – *Smith et al. v. Cuomo* (N.D N.Y. No. 5:21-cv-00035) (domestic violence)

## North Carolina

### Federal Court of Appeals

- **Gestational limits** – *Bryant v. Woodall* (4th Cir. No. 19-1685) (20-week limit) (pending oral argument)

### State Court

- **Omnibus challenge** – *Planned Parenthood South Atlantic v. Moore* (Wake Co. Sup. Court No. 20-cvs-500147) (72-hour waiting period, clinic licensing, physician only, telehealth abortions, informed consent)

## North Dakota

### Federal District Court

- **Informed consent/chemical abortion** – *American Medical Association v. Stenehjem* (D. N.D. No. 19-125) (abortion pill reversal) (bench trial set for Feb. 28, 2022)

## Ohio

### Federal Court of Appeals

- **Prenatal non-discrimination** – *Preterm-Cleveland v. Acton* (6th Cir. No. 18-3329) (Down syndrome) (En banc panel reversed district court’s preliminary injunction Apr. 13, 2021)

### Federal District Court

- **Gestational limits** – *Planned Parenthood Southwest Ohio Region v. Yost* (S.D. Ohio No. 19-118) (15-week)
- **Gestational limits** – *Preterm-Cleveland v. Himes* (S.D. Ohio No. 19-360) (heartbeat) (Case stayed pending final disposition of all appeals and petitions for certiorari in *Preterm-Cleveland v. Himes*, No. 18-3329, and *Memphis Ctr. for Reprod. Health v. Slatery*, No. 20-5969)
- **Chemical abortion** – *Yost v. Planned Parenthood Southwest Ohio Region* (S.D. Oh. No. 1:04-cv-00493-SJD)

### State Court

- **Fetal remains** – *Planned Parenthood Southwest Ohio Region v. Ohio Dep’t of Health* (Hamilton County Ct. of Common Pleas No. D131562) (Preliminary injunction granted Apr. 5, 2021)



- **Telemedicine** – *Planned Parenthood Southwest Ohio Region v. Ohio Dep’t of Health* (Hamilton County Ct. of Common Pleas No. A 2101148) (Two-week TRO granted Apr. 6, 2021; PI hearing set for Apr. 19, 2021)

## Oklahoma

### State Court

- **Physician only** – *Southwest Women’s Center v. Hunter* (Okla. Cty. Dist. Ct. No. CV-2019-2506) (plaintiffs voluntarily dismissed Feb. 23, 2021)
- **Abortion pill reversal** – *Tulsa Women’s Reproductive Center v. Hunter* (Okla. Cty. Dist. Ct. No. CV-2019-2176)
- **Gestational limits/informed consent** – *Tulsa Women’s Reproductive Center v. Hunter* (Okla. No. 118292) (dismemberment/72-hour reflection period)

## Oregon

No cases reported

## Pennsylvania

### State Court

- **Abortion funding** – *Allegheny Reproductive Health Center, et al. v. Pennsylvania Dep’t of Human Services* (Penn. Commonwealth Ct. No. 26-MD-2019) (Medicaid) prohibition on Medicaid payment for elective abortion affirmed; appeal due Apr. 26, 2021)

## Rhode Island

No cases reported

## South Carolina

### Federal Court of Appeals

- **Heartbeat** – *Planned Parenthood South Atlantic v. Wilson* (4th Cir. No. 21-1369) (D. Ct. S.C. No. 3:21-cv-00508-MGL) (Preliminarily enjoined Mar. 19, 2021; appealed Apr. 5, 2021)

## South Dakota

### Federal District Court

- **Informed consent** – *Planned Parenthood Minnesota, North Dakota, South Dakota v. Noem* (D.S.D. 11-4071) (motions due May 1, 2021)

## Tennessee

### Federal Court of Appeals

- **Gestational limits/prenatal non-discrimination** – *Memphis Center for Reproductive Health v. Slatery* (6th Cir. No. 20-5969) (heartbeat, sex, race, Down syndrome) (oral arguments Apr. 29, 2021)
- **Informed Consent** – *Bristol Regional Women's Ctr v. Slatery* (6th Cir. No. 20-6267) (reflection period) (Pet. for en banc review granted Apr. 9, 2021)

### Federal District Court

- **Abortion pill reversal** – *Planned Parenthood of Tennessee and North Mississippi v. Slatery* (M.D. Tn. No. 3:20-cv-00740) (abortion pill reversal, informed consent) (preliminary injunction granted Feb. 26, 2021)

## Texas

### Federal Court of Appeals

- **Gestational limits** – *Whole Woman's Health v. Paxton* (5th Cir. No. 17-51060) (dismemberment) (en banc hearing Jan. 21, 2021; pending decision)
- **Abortion funding** – *Planned Parenthood of Greater Texas Family Planning & Preventative Health Services v. Young* (5th Cir. No. 17-50282) (Medicaid) (rehearing en banc held May 14, 2019; en banc panel vacated judgment of district court Dec. 15, 2020)
- **Fetal remains** – *Whole Woman's Health v. Young* (5th Cir. No. 18-50730) (oral arguments held Sep. 5, 2019; pending decision)

### Federal District Court

- **Omnibus challenge** – *Whole Woman's Health v. Paxton* (W.D. Tex. No. 18-500)
- **Title X** – *Deanda v. Azar II et al* (N.D. Tex. No. 2:20-cv-00092-Z) (jury trial set Nov. 2, 2021)

## Utah

### Federal District Court

- **Gestational limits** – *Planned Parenthood Association of Utah v. Miner* (D. Utah No. 19-238) (18-week) (motion hearing set for Nov. 17, 2021)

## Vermont

No cases reported

## Virginia

No cases reported

## Washington

### Federal Court of Appeals

- **Conscience rights** – *Cedar Park Assembly of God of Kirkland, Wash. v. Kreidler* (9th Cir. No. 20-35507) (insurance coverage of abortion)
- **Abortion funding** – *Washington v. Azar* (9th Cir No. 20-35521) (separate insurance billing)

### State Court

- **First Amendment** – *Planned Parenthood of Greater Washington and North Idaho v. Covenant* (Spokane Cty. Super. Ct. No. 2020170332) (Free speech) (Trial set for Dec. 12, 2021)

## West Virginia

No cases reported

## Wisconsin

### Federal District Court

- **Chemical Abortion** – *\*Planned Parenthood of Wisconsin v. Kaul* (W.D. of Wis. No. 3:19-cv-00038-wmc) (physician-only, same physician must examine and prescribe pill, telemedicine ban) (bench trial occurred Dec. 14–17, 2020)

## Wyoming

No cases reported